

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

<b>STRIKE 3 HOLDINGS, LLC,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	<b>Civ. No. 1:21-cv-5896</b>
<b>JOHN DOE subscriber assigned IP address</b>	:	
<b>67.186.88.66,</b>	:	<b>JURY TRIAL DEMANDED</b>
	:	
<b>Defendant.</b>	:	
	:	
	:	
	:	

**COMPLAINT-ACTION FOR DAMAGES FOR  
PROPERTY RIGHTS INFRINGEMENT**

Plaintiff, Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”), brings this complaint against Defendant, John Doe subscriber assigned IP address 67.186.88.66 (“Defendant”), and alleges as follows:

**Introduction**

1. This is a case about the ongoing and wholesale copyright infringement of Plaintiff’s motion pictures by Defendant, currently known only by an IP address.
2. Plaintiff is the owner of award-winning, critically acclaimed adult motion pictures.
3. Strike 3’s motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, and *Blacked Raw* adult websites and DVDs. With millions of unique visitors to its websites each month, the brands are famous for redefining adult content, creating high-end, artistic and performer-inspiring motion pictures produced with a Hollywood style budget and quality.
4. Defendant is, in a word, stealing these works on a grand scale. Using the BitTorrent protocol, Defendant is committing rampant and wholesale copyright infringement by

downloading Strike 3's motion pictures as well as distributing them to others. Defendant did not infringe just one or two of Strike 3's motion pictures, but has been recorded infringing 36 movies over an extended period of time.

5. Although Defendant attempted to hide this theft by infringing Plaintiff's content anonymously, Defendant's Internet Service Provider ("ISP"), Comcast Cable, can identify Defendant through his or her IP address 67.186.88.66.

6. This is a civil action seeking damages under the United States Copyright Act of 1976, *as amended*, 17 U.S.C. §§ 101 et seq. (the "Copyright Act").

### **Jurisdiction and Venue**

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

8. This Court has personal jurisdiction over Defendant because Defendant used an Internet Protocol address ("IP address") traced to a physical address located within this District to commit copyright infringement. Therefore: (i) Defendant committed the tortious conduct alleged in this Complaint in this State; (ii) Defendant resides in this State and/or; (iii) Defendant has engaged in substantial – and not isolated – business activity in this State.

9. Plaintiff used IP address geolocation technology by Maxmind Inc. ("Maxmind"), an industry-leading provider of IP address intelligence and online fraud detection tools, to determine that Defendant's IP address traced to a physical address in this District. Over 5,000 companies, along with United States federal and state law enforcement, use Maxmind's GeoIP data to locate Internet visitors, perform analytics, enforce digital rights, and efficiently route Internet traffic.

10. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this District because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or Defendant's agent resides or may be found in this District.

### **Parties**

11. Plaintiff, Strike 3 is a Delaware limited liability company located at 2140 S. Dupont Hwy, Camden, DE.

12. Plaintiff currently can only identify Defendant by his or her IP address. Defendant's IP address is 67.186.88.66. Defendant's name and address can be provided by Defendant's Internet Service Provider.

### **Factual Background**

#### ***Plaintiff's Award-Winning Copyrights***

13. Strike 3's subscription-based websites proudly boast a paid subscriber base that is one of the highest of any adult-content sites in the world. Strike 3 also licenses its motion pictures to popular broadcasters and Strike 3's motion pictures are the number one selling adult DVDs in the United States.

14. Strike 3's motion pictures and websites have won numerous awards, such as "best cinematography," "best new studio," and "adult site of the year."

15. Strike 3's motion pictures have had positive global impact, leading more adult studios to invest in better content, higher pay for performers, and to treat each performer with respect and like an artist.

16. Unfortunately, Strike 3, like a large number of other makers of motion picture and television works, has a major problem with Internet piracy. Often appearing among the most infringed popular entertainment content on torrent websites, Strike 3's motion pictures are among the most pirated content in the world.

***Defendant Used the BitTorrent File Distribution Network to Infringe Plaintiff's Copyrights***

17. BitTorrent is a system designed to quickly distribute large files over the Internet. Instead of downloading a file, such as a movie, from a single source, BitTorrent users are able to connect to the computers of other BitTorrent users in order to simultaneously download and upload pieces of the file from and to other users.

18. BitTorrent's popularity stems from the ability of users to directly interact with each other to distribute a large file without creating a heavy load on any individual source computer and/or network. It enables Plaintiff's motion pictures, which are often filmed in state of the art 4kHD, to be transferred quickly and efficiently.

19. To share a movie within the BitTorrent network, a user first uses BitTorrent software to create a .torrent file from the original digital media file. This process breaks the original digital media file down into numerous pieces.

20. The entire movie file being shared has a hash value (*i.e.*, the "File Hash"). A hash value is an alpha-numeric value of a fixed length that uniquely identifies data.

21. Hash values are not arbitrarily assigned to data merely for identification purposes, but rather are the product of a cryptographic algorithm applied to the data itself. As such, while two identical sets of data will produce the same cryptographic hash value, any change to the underlying data – no matter how small – will change the cryptographic hash value that correlates to it.

22. To find and re-assemble the pieces of the digital media file, *i.e.*, to download the file using BitTorrent, a user must obtain the .torrent file for the specific file that has been broken down into pieces.

23. Each .torrent file contains important metadata with respect to the pieces of the file. When this data is put into the cryptographic algorithm, it results in a hash value called the “Info Hash.”

24. The “Info Hash” is the data that the BitTorrent protocol uses to identify and locate the other pieces of the desired file (in this case, the desired file is the respective file for the infringing motion pictures that are the subject of this action) across the BitTorrent network.

25. Using the Info Hash in the metadata of a .torrent file, a user may collect all the pieces of the digital media file that correlates with the specific .torrent file.

26. Once a user downloads all of the pieces of that digital media file from other BitTorrent users, the digital media file is automatically reassembled into its original form, ready for playing.

27. Plaintiff has developed, owns, and operates an infringement detection system, named “VXN Scan.”

28. Using VXN Scan, Plaintiff discovered that Defendant used the BitTorrent file network to illegally download and distribute Plaintiff’s copyrighted motion pictures.

29. To explain, while Defendant was using the BitTorrent file distribution network, VXN Scan established direct TCP/IP connections with Defendant’s IP address.

30. VXN Scan downloaded from Defendant one or more pieces of numerous digital media files.

31. Plaintiff identified these pieces as portions of infringing copies of Strike 3’s

motion pictures.

32. To explain, the VXN Scan system first searched for and obtained .torrent files claiming to be infringing copies of Plaintiff's works, and then downloaded complete copies of the digital media files that correlate to those .torrent files.

33. Plaintiff then compared the completed digital media files to Plaintiff's copyrighted works to determine whether they are infringing copies of one of Plaintiff's copyrighted works.

34. The digital media files have been verified to contain a digital copy of a motion picture that is identical (or, alternatively, strikingly similar or substantially similar) to Plaintiff's corresponding original copyrighted Works.

35. VXN Scan then used the "Info Hash" value, contained within the metadata of the .torrent file correlated with a digital media file that was determined to be identical (or substantially similar) to a copyrighted work, to download a piece (or pieces) of the same digital media file from Defendant using the BitTorrent network.

36. At no point did VXN Scan upload content to any BitTorrent user. Indeed, it is incapable of doing so.

37. The VXN Scan captured transactions from Defendant sharing specific pieces of 36 digital media files that have been determined to be identical (or substantially similar) to a copyrighted work(s) that Plaintiff owns.

38. VXN Scan recorded each transaction in a PCAP file.

39. VXN Scan recorded multiple transactions in this matter.

40. For each work infringed a single transaction is listed on Exhibit A.

41. For each transaction listed, Exhibit A sets forth the Universal Time Coordinated

(UTC) time and date of each transaction, along with (1) the Info Hash value obtained from the metadata of the corresponding .torrent file that formed the basis of the VXN Scan's request for data, and (2) the File Hash value of the digital media file itself.

42. Exhibit A also sets forth relevant copyright information for each work at issue: the date of publication, the date of registration, and the work's copyright registration number. In a showing of good faith, Plaintiff has intentionally omitted the title of the work from this public filing due to the adult nature of its content, but can provide a version of Exhibit A containing the works' titles to the Court or any party upon request.

43. Thus, Defendant downloaded, copied, and distributed Plaintiff's Works without authorization.

44. Defendant's infringement was continuous and ongoing.

45. Plaintiff owns the copyrights to the Works and the Works have been registered with the United States Copyright Office.

46. Plaintiff seeks statutory damages, attorneys' fees, and costs under 17 U.S.C. § 501 of the United States Copyright Act.

## COUNT I

### **Direct Copyright Infringement**

47. The allegations contained in paragraphs 1-46 are hereby re-alleged as if fully set forth herein.

48. Plaintiff is the owner of the Works, which is an original work of authorship.

49. Defendant copied and distributed the constituent elements of Plaintiff's Works using the BitTorrent protocol.

50. At no point in time did Plaintiff authorize, permit or consent to Defendant's

distribution of its Works, expressly or otherwise.

51. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

(A) Reproduce its Works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;

(B) Distribute copies of the Works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;

(C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the Works' images in any sequence and/or by making the sounds accompanying the Works' audible and transmitting said performance of the work, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publicly" perform); and

(D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works non-sequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publicly" display).

52. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

(A) Permanently enjoin Defendant from continuing to infringe Plaintiff's copyrighted Works;

(B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's Works from each of the computers under Defendant's possession, custody or control;

(C) Order that Defendant delete and permanently remove the infringing copies of the



Works Defendant has on computers under Defendant's possession, custody or control;

(D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. § 504(a) and (c);

(E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) Grant Plaintiff any other and further relief this Court deems just and proper.

**DEMAND FOR A JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: November 4, 2021

Respectfully submitted,

CLARK HILL PLC

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EXHIBIT A

EXHIBIT A

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## Exhibit A to the Complaint

Location: New Lenox, IL  
Total Works Infringed: 36

IP Address: 67.186.88.66  
ISP: Comcast Cable

Work	Hashes	UTC	Site	Published	Registered	Registration
1	Info Hash: 69908303363D635A5C0989EFC8F2370F9107ADC1 File Hash: AC69B5FB8F99E10E0567B0D0D2DF5A8E9EB6DA595CACA93A61DEB1D17D08AD93	10-17-2021 18:20:48	Vixen	08-13-2021	09-08-2021	PA0002316101
2	Info Hash: 7054652C3A1756B1D4B48572E12896AEA1D14296 File Hash: A4C245DA7141B84750664EA8097CD2E42D79470052B632D1907A68EA4251B0DE	10-17-2021 18:12:46	Tushy	06-14-2020	06-25-2020	PA0002255507
3	Info Hash: 9352D370D33CC9FA273FC8B6E660F317B53AB89A File Hash: 444AA5F2B3ECAFCD7594C9F15005CAF6298621D86EE925C3421E1B54DD68A919	10-07-2021 06:03:48	Blackd Raw	10-05-2020	10-22-2020	PA0002261806
4	Info Hash: 94C7E424537F323DF8E3FA11853998B494DD1D74 File Hash: 0D1618E59F57EA89794E680081B697AB32245AB3DCC29C4AE444709687937339	10-07-2021 06:03:43	Vixen	03-26-2021	04-27-2021	PA0002288946
5	Info Hash: 0ED1618079E29D4BB708465328D67B227B1AA795 File Hash: 74BFE94A22A1AE503CFC1932F5AD24D246D29B424A39F00629A536CC93B83BAF	10-03-2021 17:22:17	Vixen	03-10-2018	04-17-2018	PA0002116743
6	Info Hash: A502765EE8927BE551DDB6D0A52CDB57F1048934 File Hash: 36E4BB9A35891935F9225C04376E5EB63F648997444FD278004D04A6708901C9	10-03-2021 17:22:10	Vixen	04-10-2020	05-05-2020	PA0002249031
7	Info Hash: 763A6FC5F201546394575CD7601D8C2D7DBD3AE7 File Hash: A2BE74C8C93C222986472D05AD8FD915556D28A62D19C4E1BA8E14CFBC4CE75A	10-03-2021 08:31:58	Blackd Raw	09-04-2018	11-01-2018	PA0002143430
8	Info Hash: 0B3211C8AA683053AD9C2205D34C75107F839A20 File Hash: B31A11000A19FCB59304064245993EEE63E01F14BF15B7D0776CE1173C608E7F	09-29-2021 03:40:35	Blackd	06-26-2021	07-08-2021	PA0002300662

Work	Hashes	UTC	Site	Published	Registered	Registration
9	Info Hash: 5954CA36DA9BD29C667D78C6FA6EE9CFB6C65806 File Hash: 9BB4B80B2874773C608A5E46747FAC0F93629D1C9636ED6CF313EA61221E810D	09-29-2021 03:31:29	Vixen	07-18-2018	09-01-2018	PA0002119684
10	Info Hash: B038E50CE96EA99AC02E1BCF051643E7314A3667 File Hash: 72EAA4CC3AC4AF5B8AA2AD7BE38FAEC63017FABD2E62BA4876A94B5E05131F37	09-25-2021 18:40:19	Blacked	09-12-2018	11-01-2018	PA0002143426
11	Info Hash: 9B2D7FF24D25691FBFA67A7F19276AFE62D75467 File Hash: 743F0514EE583C16D839D66F135C80AD6B68A59E4C572E24310AF5362B24EE1C	09-17-2021 22:45:19	Blacked	09-26-2020	10-22-2020	PA0002261801
12	Info Hash: 55C907CA49DB8C7D4C33933D3FD47E9896848AB8 File Hash: 57CEB08061E7896D812C3BDAEC0B4FEA63D0AC23E8A342DFA53F1B1EDD7BF73F	09-17-2021 22:43:41	Vixen	05-28-2021	08-02-2021	PA0002305093
13	Info Hash: 8660054EE7A795DDB03182442FA59958414D414F File Hash: 4797668E8D709EABD9299017D79B88A43AA328BDBA86AFEBBC5675B4638A9D0B9	09-07-2021 04:16:33	Tushy	10-25-2020	11-24-2020	PA0002265965
14	Info Hash: F3D8FB9B1DD965CF256A6E8755C12FFE719AB1E0 File Hash: DE7378E4AC2CD116A33014929D0FC49DD1E4A776B1410CBEC2B383CFE4AC6ABC	08-06-2021 00:31:48	Vixen	11-30-2019	12-17-2019	PA0002217669
15	Info Hash: F25817E594908EA8A9E9E38596A20DA2D2230ADA File Hash: 1C87A9DA1C044AB0BB163AF53D4AFC3207AB4AB9F481586EF90413379D95FF70	07-10-2021 08:26:05	Vixen	04-09-2019	04-29-2019	PA0002169963
16	Info Hash: 7DC314B0DD6AE33E792CDD84E3127110CB6ABB15 File Hash: 143A618195C5205D31D7394510EF00D3D6F9159C6BBD3C485E0EE586B12F4D27	07-07-2021 07:19:22	Vixen	04-16-2021	06-09-2021	PA0002295602
17	Info Hash: A4F32B9E35B11D245A89EFB3BC49DF3C307DBC4C File Hash: 4EB9FCBEBBC376A05C29B4F19D8073EB83169AC9893DBF6B4C8555D270A41F5F8	07-07-2021 07:13:14	Vixen	07-02-2021	08-20-2021	PA0002312015

Work	Hashes	UTC	Site	Published	Registered	Registration
18	Info Hash: B7441E573A302AB3AE9F883F1203B2952746F75F File Hash: 42295408AAE92E3EBF7E487E9C9D6247F04DD7F833E9915B97CEF1EB29C6D11A	07-07-2021 07:09:10	Vixen	06-25-2021	08-20-2021	PA0002312014
19	Info Hash: D9D453CA10A11F235D92278E4484BBE5A2B5A9F1 File Hash: E5EAF731B958DF01B63E05FEB6F936C4B98032B1377C42E41EA24F47D29AEFCE	07-05-2021 20:34:54	Blacked Raw	06-26-2018	08-07-2018	PA0002131867
20	Info Hash: 5976D434540AF5984B7A9E6DB450BE81297FB6D2 File Hash: F2754D0556ADFD4657ED58465770746C335A3D4A81D74B167E46A7263B3384CF	07-05-2021 20:29:47	Tushy	12-27-2018	01-22-2019	PA0002147899
21	Info Hash: F84DCE97DEB71401BE49198E7C5E446530B70B41 File Hash: 848BF44DF42E6DA689001798B82FD17D51F221553930DA06ED1BADBC66BDA6F1	07-05-2021 20:29:25	Vixen	04-19-2019	05-28-2019	PA0002200778
22	Info Hash: 41577E4102ED339277357B7EF3E97C1347487EE2 File Hash: 880F10162CDB56DC5247BDCEB67E9A21030D9D6959F71B6C800B1B850F8DDE38	07-05-2021 20:28:07	Vixen	09-06-2018	11-01-2018	PA0002143433
23	Info Hash: F445823EE2BB5E4BF4886EB8490DF47ACC438C4E File Hash: 22227D1C627D8CA3F7FA22811CBBBA6684771E7EC3663464BE82D1F688B65A95	07-02-2021 01:10:47	Tushy	05-31-2018	07-14-2018	PA0002131771
24	Info Hash: 333EF607453E84D6528AC24F90BAF0FAD4A1117A File Hash: 8D68759EBB0D26D114D773A87E8A1E37F1FD3735B98773BB38286C4C8F1F36F1	05-27-2021 00:56:13	Tushy	03-27-2019	04-29-2019	PA0002169944
25	Info Hash: 5D35C3614F968130CEE84B052A9E944360E8B885 File Hash: 48C115FC296CCA0977565BDC72C0AE42470F92AC18310B52AA850E51207E8CE2	05-27-2021 00:47:19	Tushy	03-02-2017	05-25-2017	PA0002049784
26	Info Hash: C06BE5AD424DEAEFF37D595614E9A58994A24D7D File Hash: 87207896853FC7878F0A1A4855F64EAA036DFF4990658ADA4F201B5BF29BF304	05-25-2021 23:08:55	Tushy	05-02-2021	06-15-2021	PA0002296917

Work	Hashes	UTC	Site	Published	Registered	Registration
27	Info Hash: 5167AC74AE2BC1DC8217D9D9F650397D03565CF0 File Hash: 86B858693F785B38CD42D483226C479FC8F3EFCE6A2F13AE4D99816128528085	05-25-2021 23:04:07	Tushy	03-14-2021	03-22-2021	PA0002282514
28	Info Hash: 79F50E3960CFE36B1F1E044B222200097AA1DFEF File Hash: 65513133DE6896A6FF1FF80BF1E9FF0B73CC9F7CEDE904744AC67802B05CF59C	05-25-2021 23:03:16	Tushy	04-11-2021	04-27-2021	PA0002288948
29	Info Hash: 65AE22A1EAAA2A80353EE02BDB7D66F72EE58914 File Hash: 9874817CCD34961FF2649608FA9E3FA5A8FCF009C044602FAE1913A586BB1D3B	03-31-2021 17:32:42	Tushy	03-28-2021	04-27-2021	PA0002288947
30	Info Hash: BEF0D2E7B96DDC060FA0F61AB59A5985525115B5 File Hash: B67B097F801EEA65584A38F8DCE91095187EC713948B4F65B62B25346C690CAF	03-30-2021 18:33:46	Vixen	07-31-2020	08-11-2020	PA0002252260
31	Info Hash: 057D52E3AC118C1882812B3A5E3F2C3EA982FE8B File Hash: E8946DBE3E8A1E96194DDFF7F571C449F50845EB4C17CDC4866603F9AAD04350	03-30-2021 18:13:48	Blacked	08-22-2020	09-05-2020	PA0002255479
32	Info Hash: 09BEFF88BFA6C03790189DB6616808DDF8A8A751 File Hash: DD3B798C8D8E9900AA8661B5435EABDAAD9A2D99BC4CA139153417B954AF5BCB	03-30-2021 18:13:43	Blacked Raw	11-30-2020	01-04-2021	PA0002277037
33	Info Hash: 1F3C71A8C75CE5A96C4CDFC55B75C9DBFE80BA96 File Hash: 52865408104AC768530DEA3C59663B162044009E55011D199911AD3138B2005F	03-28-2021 22:00:50	Vixen	10-26-2018	12-10-2018	PA0002145824
34	Info Hash: D12A07257FE12064F7F7BECE5EAEBE4E3C1F243A File Hash: 1C9AF7265A329E592917644F5C0B04F297958FD8B33EABF8CE838524C95A25DD	03-28-2021 07:45:26	Vixen	12-25-2020	02-02-2021	PA0002280511
35	Info Hash: AB6F5DDED2290838AD429C5C8048ECD822E37AFC File Hash: E3929017009B2C9EFC94F419309B16346A86AAE8361D5BA626E7E98131473127	03-28-2021 07:44:15	Vixen	07-08-2019	09-10-2019	PA0002199411

Work	Hashes	UTC	Site	Published	Registered	Registration
36	Info Hash: 75A353D79EC4B06347D0AD1935D3F3D242B8A70C File Hash: 6F67DB138AEA067313D743B5DE624E3218F0C0A3BA98F12C6FA44D04FF31F9BA	03-22- 2021 01:48:43	Vixen	12-25-2019	01-03-2020	PA0002219640